

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

CIVIL ACTION NO. 06-CV-14181-AA

vs.

DISTRICT JUDGE JOHN CORBETT O'MEARA

CURRENCY \$8,200.00,
Defendant.

MAGISTRATE JUDGE MONA K. MAJZOUB

_____/

OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

This matter comes before the Court on Plaintiff's Motion to Compel filed on July 20, 2007. (Docket no. 11). Claimant Franklin Thompson did not file a response. The Court scheduled oral argument on this motion for August 13, 2007 and provided notice to Claimant Thompson. (Docket no. 14). Thompson failed to appear for this hearing. The motion has been referred to the undersigned for decision. (Docket no. 13). This matter is therefore ready for ruling.

This is an *in rem* forfeiture action against United States currency. On October 19, 2006 Claimant Franklin Delano Thompson filed his Verified Claim of Interest. (Docket no. 4). Plaintiff shows that it served discovery requests on Claimant on June 7, 2007. (Docket no. 12 & attached exs.). Plaintiff's counsel advised the Court at oral argument that Claimant has failed to respond to these discovery requests. The time for responding has expired. *See* Fed. R. Civ. P. 33, 34, 36. Accordingly, the Court will grant Plaintiff's Motion to Compel. The Court will not at this time recommend striking Claimant's claim and answer. If Claimant fails to respond to the discovery requests in a timely manner, Plaintiff may seek further orders from the Court.

Failure to comply with this Order may result in the striking of Claimant's claim and answer.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (docket no. 11) is **GRANTED**.

IT IS FURTHER ORDERED that Claimant Thompson shall respond fully and completely to Plaintiff's First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents to Claimant on or before noon on Tuesday, August 21, 2007.

NOTICE TO PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 13, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Claimant Franklin Thompson and Counsel of Record on this date.

Dated: August 13, 2007

s/ Lisa C. Bartlett
Courtroom Deputy